IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 19620 of 2007(I)

AGAINST THE ORDER IN IA 914/07 IN
OS.436/2005 of MUNSIFF COURT, PUNALUR
.....

PETITIONER:

VILAKKUDY GRAMA PANCHAYAT,
PATHANAPURAM TALUK, REPRESENTED BY SECRETARY.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY

RESPONDENTS:

SHEFEEK, AGED 39 YEARS,
S/O. IBRAHIMKUTTY, VILAYIL VEEDU, ELAMPAL MURI,
VILAKKUDY VILLAGE, PATHANAPURAM TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 19620 OF 2007

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Dated this the 26th day of June, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside the order in I.A.914/07 in O.S.436/05. It is an one word order, i.e, disallowed. A perusal of Ext.P4 application would reveal that the prayer is to examine the previous Secretary who was there at the time of execution of the disputed agreement. A question was also put to the present Secretary, at the time of cross-examination why he has not examined the previous Secretary who was there at the time of execution of the agreement.

2. There appears to be genuineness in the request made by the Panchayat to examine the former Secretary and the Court should have used its discretion in allowing the application and not to shut out the evidence. Therefore, the order under challenge is set aside and I.A.914/07 stands

allowed. But it is made clear that the Panchayat shall take quick steps to examine the person so as to co-operate with the Court for an expeditious disposal of the case.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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